



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 22, 1997

Ms. Barbara G. Heptig
Assistant City Attorney
City of Arlington
P.O. Box 231
Arlington, Texas 76004-0231

OR97-2352

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 109910.

The Arlington Police Department (the "department") received a request for all records pertaining to a specific incident. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. You also claim that some of the front page information is excepted from disclosure pursuant to section 552.101. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

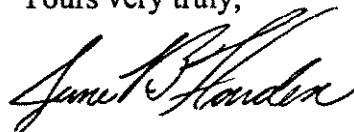
(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. . . .

You state that the requested information relates to an active criminal investigation. As the requested information relates to a pending criminal investigation, we find that release of most of the requested information would interfere with the detection, investigation, or prosecution of crime.

We note that "basic information about an arrested person, an arrest, or a crime" is not excepted from required public disclosure. Gov't Code § 552.108(c). Basic information is the type of information that is considered to be front page offense report information even if this information is not actually located on the front page of the offense report. *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Generally, the identity of the victim or complainant may not be withheld from public disclosure under section 552.108. However, information tending to identify victims of serious sexual offenses and detailed description of these offenses must be withheld from public disclosure pursuant to section 552.101 because such information is protected by common-law privacy. *See* Open Records Decision Nos. 440 (1986), 393 (1983), 339 (1982). Since the front page information identifies the victim of a sexual assault, we agree that a, b, c, d, and e on Exhibit "B" must be withheld from disclosure. The information in f does not identify the victim and, therefore, must be released. However, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/gle

Ref.: ID# 109910

Enclosures: Submitted documents

cc: Mr. Eric Bruntmyer
Law Offices of Eloy Sepulveda
201 E. Belknap, Suite 2
Fort Worth, Texas 76102
(w/o enclosures)